

POLS 385: Law and Politics of Immigration

Emory University
Spring 2018

Meeting room: Tarbuton 106
Meeting times: Tuesday and Thursday, 10:00 am – 11:15am
Instructor: Jeffrey K. Staton
Email: jeffrey.staton@emory.edu
Phone: 404-727-6559
Office: Tarbuton 321B
Office hours: Wednesday, 10:00am–11:30 am or by appointment

Course Description

This course concerns the law and politics of immigration. We will consider the legal rules that regulate citizenship, admissions to the United States, and removal. We will also consider the processes by which immigration law is enforced. These rules are placed in historical context. We then consider the political determinants of immigration policy, both as it looks formally and as it is practiced and enforced. Finally, we place the U.S. case in comparative context by considering the ways in which other states have managed common challenges associated with human migration across borders.

Grading

Your final grade is a weighted average of the following components:

Policy Brief (20%) You will select an immigration policy and become an expert on this policy. Policies fall within policy areas, and you must let me know your policy area by January 30. For example, you might focus on immigration enforcement policies at the border, guest worker programs, deportation, refugees, naturalization, student visas, or legalization of undocumented people. Within one of these areas, you should identify a particular policy. For example, you could focus on DACA or you could focus on E-Verify policies. Your brief is due on March 4. On March 8, we will discuss immigration policy under the Trump Administration. You need to be prepared to discuss your policy area with the class. The brief should be roughly 6-8 pages long.

You should describe the policy and then answer the following questions.

- What behavior does your policy regulate? What challenge is it meant to solve or what goal is it meant to achieve?
- What is the mechanism through which the policy is supposed to work? Do you see evidence that is working well?
- What are the key groups in society advocating with respect to this policy?
- What organizations provide expertise regarding this policy?
- Who are the key politicians in this policy area?

- Have the courts played a role in this area? If so, how?
- Do you believe that international events have influenced this policy?
- If you could reform this policy, would you? With what would you replace it?

Midterm Exam (25%) and Final Exam (25%) Exams are open book/open notes. They will be administered through Canvas. You will have approximately 75 minutes to complete the midterm and about 120 minutes to complete the final.

Co-authored research paper (30%) Each student will complete a research project as a member of a two person team. The results of the project will be communicated via a research paper. The final draft of this paper will be due on May 4. The project will involve original empirical research on a topic of the team's choosing. You might choose to work on a question related to the policy you have briefed, but that is not necessary. Your goal will be to use an empirical study to draw a causal inference related to your hypothesis. For example, you might seek to answer whether a restrictive immigration policies are caused by the economic recessions. You could ask whether contact with immigrant communities undermines anti-immigration sentiment. There are many questions. Pick one. Each team should begin to consider possible research topics as soon as possible. Teams are strongly encouraged to consult with the instructor as they develop their project. Specifically, projects develop in the following stages.

1. Team Construction (January 24) You can identify a person with whom you would like to work. I will honor all requests in which both parties agree. Otherwise, you will be assigned to a partner. I will assign you as best I can based on shared interest in a topic. To help you with process, you will answer a survey about your preferences.
2. Research Question and Literature Review (March 23) Your literature review should summarize at least 10 academic articles on your topic. We will discuss the precise format of this summary in class. Submit your response via Canvas.
3. Research Plan (March 23) You will submit via Canvas a plan for your research. This plan should indicate how your empirical analysis will shed light on your question.
4. Final Draft (May 4) A final paper should include the following components:
 - (a) An introduction in which you explain the relevance of the topic and specify your research question.
 - (b) A literature review in which you discuss prior efforts to answer this question.
 - (c) A theoretical argument (this does not need to be an original argument. You can "borrow" one from your literature review). This argument should give an answer to the research question you propose. It should provide an explanation. So, if you are asking whether natural resources destabilize states, then your argument has to explain the mechanism by which it does or does not.
 - (d) An empirical implication of your argument, which you can test empirically (using a quantitative or qualitative design).

- (e) An empirical design section, in which you explain how you will use observable information to draw a causal inference. This section should include a discussion of the measurement of your key concepts.
- (f) A results section in which you present the outcomes of your study. Your results section should also address threats to your inference.
- (g) A conclusion that relates your study back to the general topic. You should discuss implications of your research and new questions that have emerged.

In addition, you must submit to our course site a replication folder. Your replication folder should contain the original data that you used for your study. You should also include a replication statement, outlining the procedures that you used to draw the inferences you drew. The goal is to make it possible for another person to be able to conduct the same study without having to speak to you about what you did. We will speak in class about precisely how you can ensure that your study can be replicated. Finally, please include an electronic copy of your paper.

Grades for the co-authored project will be allocated accordingly.

1. Shared grade (70%)
2. Individual grade (30%) Each member of the team will be given the opportunity to evaluate her peer. In light of that evaluation and other contact I have with the group, I will assign an individual grade to each member of the team.

Readings

I would like you to purchase the following books for the course.

Daniel J Tichenor. *Dividing Lines: The Politics of Immigration Control in America*. Princeton University Press, 2002.

Tom K. Wong. *The Politics of Immigration: Partisanship, Demographic Change, and American National Identity*. Oxford University Press, 2017.

Additional readings are listed below. I will also make available a number of case excerpted cases. These will come from Aleinikoff, T. Alexander, David A. Martin, Hioshi Motomura, Maryellen Fullerton, and Juliet P. Stumpf. 2016. *Immigration and Citizenship: Process and Policy, 8th Edition*. St. Paul, MN: West Academic Publishing.

Incomplete Grades

No incomplete grades will be given unless there is an agreement between the instructor and the student **prior** to the end of the course. The instructor retains the right to determine legitimate reasons for an incomplete grade.

Late Assignments

You will be penalized for late assignments or missed exams, unless the absence/delay is due to documented serious illness or is otherwise excused by the instructor in advance (such as for certain official Emory-sponsored activities). The penalty for unexcused late papers is one full letter grade per day. In this course, the policy applies directly and clearly to the individual literature review, the exams and the final draft of the paper. Failure to submit on time the topic and question proposals as well as the rough draft will be penalized via the overall paper grade. An example helps clarify. Suppose that your group produces A level work (a 95 out of 100 points for example) on your final paper, but you submitted your rough draft one day late. You will all receive a B for the overall course grade (i.e., 85 out of 100) component of the research project assignment.

Extra-Credit Work

Under no circumstances will extra credit work be permitted.

Email and Canvas

I expect you to check your email. You are responsible for the material I send electronically. There is a canvas course site. Your exams will be pushed through the site. You will turn in your paper there, as well.

Final Course Grades

Final course letter grades will reflect the Department of Political Sciences grading standard, detailed below. Clearly, it is impossible for each assessment to reflect the standard exactly. Instead, the assessments, taken as a whole, are designed to produce a final grade that reflects the departments standards.

A Exceptional Performance Consistently outstanding work on all course-related tasks at a level that distinguishes the student from other members of the class. A comprehensive and incisive command of the issues, literature, and substantive information relevant to the course. A frequently demonstrated exceptional capacity for original, creative, critical and logical thinking. The ability to master and integrate large amounts of factual material and abstract theories. An outstanding ability to discuss effectively course subject matter using both written and oral communication skills.

A- Excellent Performance Consistently strong work on all course-related tasks. A comprehensive command of the issues, literature, and substantive information relevant to the course. A clearly demonstrated capacity for original, creative, critical and logical thinking. Understands well and can integrate the relevant factual and theoretical material central to the course. A strong ability to discuss effectively course subject matter using both written and oral communication skills.

B+ Very Good Performance Consistently above average work on all course-related tasks. A very good grasp of the issues, literature, and substantive information relevant to the course. A generally demonstrated capacity for original, creative, critical, and logical thinking. A very good command of factual and theoretical material, and some capacity to integrate the two. A solid ability to discuss effectively course subject matter using both written and oral communication skills.

B Good Performance Good and generally consistent work on all course-related tasks. A general understanding of the issues, literature, and substantive information relevant to the course. Modest evidence of the capacity for original, creative, critical and logical thinking. A good understanding of factual and theoretical material, but limited evidence of the capacity to integrate the two. A basic ability to discuss effectively course subject matter using both written and oral communication skills.

B- Satisfactory Performance Satisfactory work on course-related tasks. A reasonable understanding of the issues, literature, and substantive information relevant to the course. An infrequently demonstrated capacity for original, creative, critical and logical thinking. Understands at a basic level the facts and theories related to the course, but demonstrates weak integration skills. A limited or inconsistent ability to discuss effectively course subject matter using both written and oral communication skills.

C+/C/C- Adequate Performance Adequate performance on course-related tasks. An understanding of the basic elements of the issues, literature, and substantive information relevant to the course. A rarely demonstrated capacity for original, creative, critical and logical thinking (C+). An inability to go beyond a recitation of basic factual material related to the class (C). Demonstrated weaknesses in the ability to discuss effectively course subject matter using both written and oral communication skills (C-).

D/D+ Minimal Passing Performance Barely acceptable work on course-related tasks. A generally superficial and often inconsistent familiarity with the issues, literature, and substantive information relevant to the course. A failure to demonstrate the capacity for original, creative, critical and logical thinking related to course content (D+). An uneven understanding of basic factual material related to the course; no evidence of fact/theory integration. Demonstrates significant gaps in the ability to discuss effectively course subject matter using both written and oral communication skills (D).

F Unacceptable Performance Fails to meet minimum course expectations. Unable to understand even the most basic elements of the issues, literature, and substantive information relevant to the course. Demonstrates an inability to engage in coherent written or oral discussion of course material. Does not satisfy specific course expectations with respect to attendance, deadlines, participation, etc.

Integrity of Scholarship

The honor code is in effect throughout the semester. By taking this course, you affirm that it is a violation of the code to cheat on exams, to plagiarize, to deviate from the teacher's

instructions about collaboration on work that is submitted for grades, to give false information to a faculty member, and to undertake any other form of academic misconduct. You agree that the teacher is entitled to move you to another seat during examinations, without explanation. You also affirm that if you witness others violating the code you have a duty to report them to the honor council.

<http://catalog.college.emory.edu/academic/policies-regulations/honor-code.html>

Access, Disability Services and Resources

Emory University is committed under the Americans with Disabilities Act and its Amendments and Section 504 of the Rehabilitation Act to providing appropriate accommodations to individuals with documented disabilities. If you have a disability-related need for reasonable academic adjustments in this course, provide the instructor(s) with an accommodation notification letter from Access, Disabilities Services and Resources office. Students are expected to give two weeks-notice of the need for accommodations. If you need immediate accommodations or physical access, please arrange to meet with instructor(s) as soon as your accommodations have been finalized.

Class schedule

January 23: Course Introduction & How is Immigration Covered by the American Media? We will discuss course topics and goals. We will also discuss our responsibilities to each other. We also will focus on the patterns you perceive in media coverage of immigration policy. What topics are covered? Do you see the same topics covered by the NY Times and the Wall Street Journal? What about Fox News or Breitbart? How do different media outlets talk about the topic? Do you perceive differences in language?

- **By January 19**, please answer the online survey on your research project preferences.

Part I: Historical Background

January 25: Who are we? Is there such a thing as a single American national identity? In 2004, Samuel Huntington argued that the wave of immigration from Latin America would undermine national cohesion. We will consider his argument as well as several empirical tests of his claims.

- Huntington, Samuel P. "The Hispanic Challenge." *Foreign Affairs*
<http://foreignpolicy.com/2009/10/28/the-hispanic-challenge/>
- Jack Citrin, Amy Lerman, Michael Murakami, and Kathryn Pearson. Testing huntington: Is hispanic immigration a threat to american identity? *Perspectives on Politics*, 5(1):31–48, 2007.
- **January 26:** Research pairs assigned.

January 30: Immigration Policy in the United States What is the scope and nature of immigration policy in the United States? We will consider four types of policy areas: legal admissions, border security, internal enforcement, and immigrant integration.

- Wong, Chapter 2

February 1: Immigration Policy: The 19th Century Over time, immigration policy has cycled between permissive and restrictive periods. What explains these cycles? For the next two classes we will consider Daniel Tichenor's account, which advances an explanation in which political institutions play an important role. Today we begin by identifying Tichenor's argument. We will consider the argument in the context of exploring differences between immigration policy during the founding period and the Gilded Age.

- Tichenor, Chapters 1-4

February 6: Immigration Policy: The 20th Century Today we continue Tichenor's account, focusing on differences between immigration policy during the National Origins Quota Era and the period following the 1965 Hart-Cellar Act.

- Tichenor, Chapters 5-9

February 8: Undocumented Migration We begin with the Republic's first "illegal aliens," Chinese laborers who crossed the Canadian and Mexican borders in the wake of the Chinese Exclusion Acts. We then consider how policies regulating legal immigration can influence immigration that is not permitted.

- Emily Ryo. Through the back door: applying theories of legal compliance to illegal immigration during the chinese exclusion era. *Law & Social Inquiry*, 31(1):109–146, 2006.
- Douglas S Massey and Karen A Pren. Unintended consequences of us immigration policy: Explaining the post-1965 surge from latin america. *Population and development review*, 38(1):1–29, 2012.

Part II: Immigration Law

February 13-15: Citizenship We consider the law governing citizenship by birth. We will consider two principles for the acquisition of nationality at birth: the principle that nationality is conferred on the basis of the location in which a person is born (*jus soli*) and the principle that nationality is conferred on the basis of descent (*jus sanguinis*).

- *Nguyen v. INS*, 533 U.S. 53 (2001)
- *Morales-Santana v. Lynch*, 792 F. 3d. 256 (2015)
- *United States v. Wong Kim Ark*, 169 U.S. 649 (1888)

February 20: Naturalization We will consider the basic statutory provisions that structure the naturalization process. We then turn to two cases that deal with the principle of sufficient “attachment to the principles of the Constitution of the United States,” a requirement for naturalization.

- *Schneiderman v. United States*, 320 U.S. 118 (1943)
- *Price v. INS*, 962 F.2d. 836 (1991)

February 22: NO CLASS

February 27: The Federal Immigration Power What is the source of the federal government's immigration power? We also consider constraints on state and local power to regulate in the area of immigration.

- *Chae Chan Ping v. United States*, 130 U.S. 581 (1889)
- *Fong Yue Ting v. United States*, 149 U.S. 698 (1893)
- *Wong Wing v. United States*, 163 U.S. 228 (1896)
- *Yick Wo v. Hopkins*, 118 U.S. 356 (1886)

March 1: Deportability What are the grounds under which a non-citizen may be deported? We will consider the basic statutory framework. We will also consider constitutional limits on deportation authority.

- *Harisiades v. Shaughnessy*, 342 U.S. 580 (1952)
- Reminder: Policy Brief Due by Sunday, March 4 at 11:59 p.m.

March 4: Policy Brief Due by Sunday, March 4 at 11:59 p.m.

March 6: Immigration Policy and the Trump Administration Today we will discuss how immigration policies have changed under the Trump Administration. You must be prepared to talk about the policy area you briefed.

March 8: Midterm available at 10:00 am

- Midterm must be completed by Sunday, March 11 at 11:59 p.m.

March 13 and 15: Spring Break

Part III: Immigration Politics

March 20: Public Preferences about Immigration

- Jens Hainmueller and Daniel J Hopkins. The hidden american immigration consensus: A conjoint analysis of attitudes toward immigrants. *American Journal of Political Science*, 59(3):529–548, 2015.
- Daniel J Hopkins. Politicized places: Explaining where and when immigrants provoke local opposition. *American political science review*, 104(1):40–60, 2010.

March 22: Federal Immigration Politics: Congressional Voting

- Wong, Chapter 3

March 23: Research Plan and Literature review due via Canvas by 11:59 pm

March 27: Federal Immigration Politics: Constituent Service

- Wong, Chapter 4

March 29: State and Local Immigration Politics: Variation in State Policy

- Joshua N Zingher. The ideological and electoral determinants of laws targeting undocumented migrants in the us states. *State Politics & Policy Quarterly*, 14(1):90–117, 2014.
- Benjamin J Newman, Christopher D Johnston, April A Strickland, and Jack Citrin. Immigration crackdown in the american workplace: Explaining variation in e-verify policy adoption across the us states. *State Politics & Policy Quarterly*, 12(2):160–182, 2012.

April 3: State and Local Immigration Politics: Sanctuary Cities

- Kyle E Walker and Helga Leitner. The variegated landscape of local immigration policies in the united states. *Urban geography*, 32(2):156–178, 2011.
- <https://www.washingtonpost.com/graphics/national/sanctuary-cities/>

April 5: Immigration Courts

- David Hausman and Jayashri Srikantiah. Time, due process, and representation: An empirical and legal analysis of continuances in immigration court. *Fordham L. Rev.*, 84:1823, 2015.

April 10: Immigration Courts

- Ingrid V Eagly. Remote adjudication in immigration. *Nw. UL Rev.*, 109:933, 2014.

Part IV: Comparative Perspectives

April 12: Comparative Perspectives: Who gets a passport in Switzerland?

- Jens Hainmueller and Dominik Hangartner. Who gets a swiss passport? a natural experiment in immigrant discrimination. *American political science review*, 107(1):159–187, 2013.

April 17: Comparative Perspectives: Terrorist Attacks and Attitudes toward Immigrants

- Joscha Legewie. Terrorist events and attitudes toward immigrants: A natural experiment. *American Journal of Sociology*, 118(5):1199–1245, 2013.

April 24: Comparative Perspectives: Immigration and Brexit Voting

- Matthew Goodwin and Caitlin Milazzo. Taking back control? investigating the role of immigration in the 2016 vote for brexit. *The British Journal of Politics and International Relations*, page 1369148117710799, 2017.

April 19: No class

April 26: Comparative Perspectives: Attitudes Toward Immigration in Spain

- M^a Ángeles Cea DAncona. Immigration as a threat: Explaining the changing pattern of xenophobia in spain. *Journal of International Migration and Integration*, 17(2):569–591, 2016.

May 8: Final Exam available, 8:30 a.m.

- Final is due on May 8 by 11:59 p.m.